

Attorney Docket No. P13019-US2  
Customer Number 27045

**REMARKS/ARGUMENTS**

**1.) Claim Amendments**

Claims 1-17 are pending in the application. The Applicant has amended claims 1, 3, 5, 8-10, 12, 13, and 15-17. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

**2.) Claim Objections**

In paragraph 1 of the Office Action, the Examiner objected to claims 5 and 13 due to informalities. The Applicant has corrected the informalities as suggested by the Examiner. Therefore, the withdrawal of the objection to claims 5 and 13 is respectfully requested.

**3.) Claim Rejections – 35 U.S.C. § 112**

In paragraph 2 of the Office Action, the Examiner rejected claim 5 under 35 U.S.C. § 112, second paragraph due to insufficient antecedent basis for the limitation "the tags" in line 1. The Applicant has amended the claim to correct the antecedent basis problem. Therefore, the withdrawal of the rejection of claim 5 is respectfully requested.

**4.) Claim Rejections – 35 U.S.C. § 102(e)**

In paragraphs 3-4 of the Office Action, the Examiner rejected claims 1-17 under 35 U.S.C. § 102(e) as being anticipated by Owensby (US 6,647,257). The Applicant has amended the claims to better distinguish the claimed invention from Owensby. The Examiner's consideration of the amended claims is respectfully requested.

Owensby discloses a system and method for providing targeted messages, including advertisements, to a subscriber based on the location of a wireless mobile terminal. The messages are targeted to the subscriber on the basis of the location of the terminal at the time of the communication, demographic and personal preference data pertaining to the subscriber, responses made to messages previously provided to the subscriber, or historical movement patterns of the subscriber. (Abstract, lines 1-9;

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col. 4, lines 9-34). Thus, all of the factors disclosed by Owensby for targeting the messages relate to the subscriber. Owensby does not disclose or suggest that equipment-related factors such as terminal capabilities may be used for targeting advertising messages.

Claim 1 recites a system for providing advertisements to mobile stations comprising a service provider, wherein the service provider includes an information gateway and a service gateway; a content provider for providing an advertisement to the service provider; and a mobile station. Claim 1 has been amended to recite that the service provider receives information associated with the mobile station from a mobile network, including mobile station capabilities, and the mobile station receives the advertisement if the mobile station satisfies a predetermined condition associated with the advertisement, and the capabilities of the mobile station match at least one criterion associated with the advertisement. As noted above, Owensby does not disclose or suggest that equipment-related factors such as terminal capabilities may be used for targeting advertising messages. Therefore, the withdrawal of the rejection and the allowance of amended claim 1 are respectfully requested.

Claims 2-9 depend from amended claim 1 and recite further limitations in combination with the novel and unobvious elements of claim 1. Claims 8 and 9 have been amended to move into claim 1, the limitation regarding the use of mobile station capabilities for targeting the advertisements. Therefore, the allowance of claims 2-9 is respectfully requested.

Independent claim 10 is a method claim corresponding to system claim 1. Claim 10 has been amended in a manner similar to claim 1 to recite that the mobile station receives the advertisement if the mobile station satisfies a predetermined condition associated with the advertisement, and the capabilities of the mobile station match the information associated with the advertisement. As noted above, Owensby does not disclose or suggest that equipment-related factors such as terminal capabilities may be used for targeting advertising messages. Therefore, the withdrawal of the rejection and the allowance of amended claim 10 are respectfully requested.

Claims 11-17 depend from amended claim 10 and recite further limitations in combination with the novel and unobvious elements of claim 10. Claims 16 and 17

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have been amended to move into claim 10, the limitation regarding the use of mobile station capabilities for targeting the advertisements. Therefore, the allowance of claims 11-17 is respectfully requested.

**5.) Prior Art Not Relied Upon**

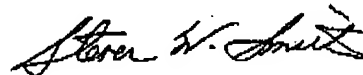
In paragraph 5 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure. The Applicant's review of these references has not revealed any teaching or suggestion of using terminal capabilities information for targeting advertising, as claimed by the Applicant.

**CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-17.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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